

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO: 5:25-CV-400-BO-KS

MC BOTANICALS LLC and
MC NUTRACEUTICALS LLC, a Texas
limited liability company,
Plaintiffs,

v.

ASTERRA LABS LLC,
RISE CAPITAL LLC, and
RYAN MCCONNELL,
Defendants.

**RISE CAPITAL LLC'S
MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(6)**

NOW COMES Defendant Rise Capital LLC, by and through its undersigned counsel of record, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves to dismiss Plaintiffs' Complaint, (ECF No. 1), on the basis that it fails to state a claim upon which relief may be granted as to Defendant Rise Capital LLC. Defendant Rise Capital LLC's memorandum of law in support of this motion is filed contemporaneously herewith.

Respectfully submitted, this the 25th day of July, 2025.

**PARKER BRYAN BRITT
TANNER & JENKINS, P.L.L.C.**

ATTORNEYS FOR ASTERRA LABS LLC
AND RISE CAPITAL LLC

/s/ Alicia Journey

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 25, 2025 a copy of the foregoing Rise Capital LLC's Motion to Dismiss was served upon all other parties in this cause as follows:

Via filing in CM/ECF:

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